

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 3715 of 2017**

- Abhisek Mohanty S/o Bibhuti Bhushan Mohanty, Aged About 32 Years, R/o Plot No. 604, Rasulgarh, Police Station Rasulgarh (Bhubaneswar), District Khurda (Odisha)

**---- Applicant**

**Versus**

- State Of Chhattisgarh, through Station House Officer, Police Station- Civil Lines Bilaspur, Tahsil & District- Bilaspur, Chhattisgarh.

**---- Non-applicant**

---

For Applicant – Shri Avijit Patnaik, Shri Srisatya Mohanty and Shri Gagan Tiwari, Advocates.

For Non-applicant/State – Shri Sumit Jhanwar, Panel Lawyer.

For Objector – Shri Sunil Otواني, Advocate.

---

**Hon'ble Shri Justice Chandra Bhushan Bajpai**  
**Order on Board**

**28-06-2017**

1. Heard on I.A.No.1/2017 for permission to object bail application on behalf of the complainant.

2. On due consideration, I am not inclined to permit the objector/complainant to oppose the bail petition as he can only under the law assist the prosecution under Section 301(2) of the Code of Criminal Procedure. Consequently, I.A.No.1/2017 is hereby dismissed.

3. Heard the matter finally.

4. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.56/2016 on 07-3-2017 by P.S. Civil Lines Bilaspur, C.G. for the offence under Section 409, 420, 467, 471, 120B, 34 of the IPC. After investigation police had filed the charge sheet against four accused persons on 21 April, 2017 which is pending before the JMFC Bilaspur, C.G. as Criminal Case No.1357/17. Learned counsel for the applicant would submit that co-accused Prashant Kumar Swain, one alleged surety was granted bail vide order dated 18-05-2017 in MCRCA No.362/2017, Trilokchand Jayaswal, body builder was granted bail in MCRCA No.157/2016 vide order

dated 01-03-2016 by the coordinate Bench. The loanee, i.e., Vikas Sharma was denied bail vide order dated 15-06-2017 in MCRC No.3769/2017. The applicant was branch manager of the concerned branch who gave loan to co-accused Vikash Sharma for the purpose of 5 new commercial vehicle for Rs.1,37,00,000/-. Nothing is seized from the applicant. Co-accused body builder Trilokchand Jayaswal was credited Rs.37,40,000/- to prepare body of the said commercial vehicles and remaining approximately Rs.21,80,000/- was still to be paid for body building of said commercial vehicles. In a proceeding arbitral award is passed. All the five vehicles were recovered. Nothing is seized from the applicant. The applicant is in custody since 07-03-2017. Police left another guarantor Rajeev Kapoor for no reason. The applicant cooperated in the investigation. Charge sheet has been filed; there is no material to connect the applicant from the offence. He was not responsible for verification of surety papers prior to the finance. The trial may take some time. Learned counsel placed reliance upon the matter of **Sanjay Chandra V. Central Bureau of Investigation**, (AIR 2012 SC 830) wherein at para 28 Hon'ble the Apex Court held as follows:

"28. We are conscious of the fact that the accused are charged with economic offences of huge magnitude. We are also conscious of the fact that the offences alleged, if proved, may jeopardize the economy of the country. At the same time, we cannot lose sight of the fact that the investigating agency has already completed investigation and the charge-sheet is already filed before the Special Judge, CBI, New Delhi. Therefore, their presence in the custody may not be necessary for further investigation. We are of the view that the appellants are entitled to the grant of bail pending trial on stringent conditions in order to allay the apprehension expressed by CBI."

Learned counsel for the applicant would submit that as the trial may take some time, in the present matter the applicant may be granted bail as he is falsely implicated.

5. Per contra, learned counsel for the non-applicant/State opposed the

argument advanced on behalf of the applicant.

6. Perused the entire material.

7. The case of Prashant Kumar Swain and Trilokchand Jayaswal who are surety and body builder is distinguishable from the case of present applicant who was the branch manager at the time. The matter of present applicant is at par with loanee Vikash Sharma whose bail was denied by the coordinate Bench. On consideration of the evidence and material collected during investigation, as the applicant had prepared forged documents for sanction of finance to the tune of Rs.1,37,00,000/- to co-accused Vikash Sharma, I am not inclined to grant bail to the applicant. Consequently, the instant MCRC is hereby dismissed.

**Sd/-  
(Chandra Bhushan Bajpai)  
JUDGE**